IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

MACA.No. 1395 of 2007

OPMV.2447/2000 of MOTOR ACCIDENT CLAIMS TRIBUNAL, KOZHIKODE
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APPELLANT/PETITIONER IN O.P.M (MV)

POCKER, S/O. BICHUKUTTY, AGE 67 YEARS,
RESIDING AT THOTTATHIL HOUSE,
CHEROOPA POST, KOZHIKODE.

BY ADV. SMT.LATHA PRABHAKARAN

RESPONDENTS: RESPONDENTS IN O.P. (MV)
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1. T.VIJAYAN, AGE NOT KNOWN,RESIDING AT
THAIKANDY HOUSE,PUTHIYANGADI POST,KOZHIKODE.

2. KERALA STATE INSURANCE DEPARTMENT,
DISTRICT INSURACE OFFICE, WOOD WORKSHOP BUILDING,
PUTHIYARA, KZOHIKODE.

BY

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 04/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.S.RADHAKRISHNAN & A.K.BASHEER, JJ.

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M.A.C.A.No.1395 OF 2007

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Dated this the 4th day of October, 2007

JUDGMENT

Radhakrishnan, J

The appellant herein was the petitioner before the Motor Accidents Claims Tribunal, Kozhikode in O.P.(MV) No.2447/2000. The accident occurred on 5.10.2000 while the appellant was standing on the road side near indoor stadium, an autorickshaw bearing Reg.No.KL-11G/4921 came in a rash and negligent manner dashed him. The appellant had sustained injuries. He claimed Rs.2,00,000/- as compensation for the injuries sustained to him in the accident. No oral evidence was adduced. Exts.A1 to A7 were marked on the side of the petitioner. There is nothing to show that he was hospitalised. No evidence has been adduced to show that the petitioner had sustained fracture as alleged in the petition. There is absolutely no documents or other evidence to uphold the petitioner's case that he had sustained any injuries in a motor accident case. On the other hand, it is

proved by the petitioner himself that he was undergoing treatment for cardiac problems. Ext.A1 is a self attested copy of the FIR. Tribunal doubted that this FIR may be a fabricated one.

In such circumstances, there is no ground to interfere with the order passed by the Tribunal. This appeal is dismissed.

K.S.RADHAKRISHNAN, JUDGE

A.K.BASHEER, JUDGE

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